

Regular Meeting

Agenda Item #	8
Meeting Date	September 26, 2005
Prepared By	Jessie Carpenter City Clerk
Approved By	Barbara B. Matthews City Manager <i>BBM</i>

Discussion Item	Ordinance re: Amendment to the Takoma Park Code to Increase the Allowable Age for a Child to Enter the Voting Booth with a Voting Adult
Background	<p>This ordinance would provide for a minor change to the Elections Chapter of the Takoma Park Code to increase the allowable age for a child to accompany a voting adult into the voting booth at the polling place in City elections. The age limit stated in the Takoma Park Code is five years. The State of Maryland prohibits children over the age 12 from accompanying a voter into the voting booth.</p> <p>Recommend change to the Code 5.16.030(B)(4) - "A voter may not be accompanied into a voting machine, booth or other place set aside for voting by any person over the age of <u>5</u> <u>12</u> years, unless the affidavit required by subsection (B) of this section has been accepted by the election judges."</p> <p>Although the section of the Code deals with instruction and assistance to voters, it effectively prohibits children over five from accompanying their parents.</p>
Policy	To ensure that elections in the City run smoothly and, where practical, conform to practices consistent with those of Montgomery County and the State of Maryland.
Fiscal Impact	None.
Attachments	First reading ordinance.
Recommendation	Accept the ordinance at first reading.
Special Consideration	

Introduced by:

First Reading:
Second Reading:
Effective Date:

ORDINANCE NO. 2005-

(Amendments to Chapter 5 of the Takoma Park Code to Increase the Allowable Age for Children to Accompany Voters into the Voting Booth)

WHEREAS, Chapter 5.16.030 of the Takoma Park Code addresses instruction and assistance to voters; and

WHEREAS, Section 5.16.030(B)(4) prohibits any person over the age of five years to accompany a voter into a voting booth; and

WHEREAS, in elections conducted by Montgomery County, children under the age of 13 may accompany an adult; and

WHEREAS, the Council wishes to ensure that elections in the City run smoothly and, where practical, conform to practices consistent with those of Montgomery County and the State of Maryland.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, that Chapter 5, Elections, of the Takoma Park Code, is amended as follows:

CHAPTER 15.16.030 Instruction and Assistance in Voting

* * * *

Section 15.16.030(B)(4) A voter may not be accompanied into a voting machine, booth or other place set aside for voting by any person over the age of 5 12 years, unless the affidavit required by subsection (B) of this section has been accepted by the election judges.

Adopted this _____ day of _____, 2005 by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain:

EXPLANATORY NOTE

* * * * indicates language or sections of the *Takoma Park Code* not reproduced in this Ordinance.

Additions to the existing language of the *Takoma Park Code* are shown by underlining.

~~Deletions~~ to the existing language of the *Takoma Park Code* are shown by ~~strikeout~~.

Section 5.16.030**Instruction and assistance in voting.**

A. Upon request, election judges shall instruct a voter regarding the operation of the particular voting system.

B. Any voter who requires assistance to vote by reason of blindness, disability or inability to read the English language or write may be given assistance by a person of the voter's choice, not to include any candidate or agent of that candidate.

1. Assistance in marking paper ballots or operating a voting machine or punchcard ballot shall be given to voters who declare under oath to an election judge that by reason of blindness, disability or inability to read the English language or write they are unable without assistance to mark their ballots or operate the voting machine or punchcard ballot. No ballot shall be marked or voting machine or punchcard ballot operated until 2 election judges are satisfied of the truth of the facts stated in such affidavit.

2. After such an affidavit has been made and filed with the election judges, the voter may enter into a voting machine, booth or other place set aside for voting with any person of the voter's choice, not to include any candidate or agent of that candidate, or with 2 election judges. The person whom the voter has selected or, in the case the voter has selected no one, one of the election judges, in the presence of the other, shall mark the ballot or operate the voting machine or punchcard ballot as the voter shall direct.

3. The only assistance which will be lawful for the person whom the voter has selected or for the election judges to give the voter is to mark the ballot or operate the voting machine or punchcard ballot as the voter shall direct, without prompting or suggestion from them, or either of them.

4. A voter may not be accompanied into a voting machine, booth or other place set aside for voting by any person over the age of 5 years, unless the affidavit required by subsection (B) of this section has been accepted by the election judges. (Prior code § 4D-12)